

100.52 Telephone solicitations. (1) DEFINITIONS.

(b) “Basic local exchange service” has the meaning in s. 196.01 (1g).

(d) “Nonresidential customer” means a person, other than a residential customer, who is furnished with telecommunications service by a telecommunications utility.

(e) “Nonsolicitation directory” means the directory established in rules promulgated by the department under sub. (2) (b).

(f) “Residential customer” means an individual who is furnished with basic local exchange service by a telecommunications utility, but does not include an individual who operates a business at his or her residence.

(g) “Telecommunications service” has the meaning given in s. 196.01 (9m).

(h) “Telecommunications utility” has the meaning given in s. 196.01 (10).

(i) “Telephone solicitation” means the unsolicited initiation of a telephone conversation for the purpose of encouraging the recipient of the telephone call to purchase property, goods or services.

(j) “Telephone solicitor” means a person, other than a nonprofit organization or an employee or contractor of a nonprofit organization, that employs or contracts with an individual to make a telephone solicitation.

(2) NONSOLICITATION DIRECTORY LISTING.

(a) Upon a request by a residential customer, the department shall include in the nonsolicitation directory a listing indicating that the residential customer does not want to receive any telephone solicitation made on behalf of a telephone solicitor.

(b) The department shall promulgate rules for establishing, maintaining, and semiannually updating a directory that includes listings of residential customers who do not wish to receive telephone solicitations made on behalf of telephone solicitors. The rules promulgated under this paragraph shall establish requirements and procedures for a residential customer to request a listing in the directory. The rules shall also require a residential customer who requests a listing in the directory to notify the department on a biennial basis if the residential customer wishes to continue to be included in the directory. The department shall eliminate a residential customer from the directory if the customer does not make the biennial notification.

(c) Except for copies of the nonsolicitation directory that are provided to registered telephone solicitors under par. (d), the nonsolicitation directory is not subject to inspection, copying, or receipt under s. 19.35 (1) and may not be released by the department.

(d) The department shall, on a semiannual basis, make the nonsolicitation directory available by electronic transmission only to telephone solicitors who are registered under sub. (3). Upon the request of a telephone solicitor registered under sub. (3), the department shall also provide a printed copy of the

nonsolicitation directory to the telephone solicitor. A telephone solicitor who receives a copy of the directory, or to whom the directory is made available by electronic transmission, under this paragraph may not solicit or accept from any person, directly or indirectly, anything of value in exchange for providing the person with any information included in the copy.

(3) REGISTRATION OF TELEPHONE

SOLICITORS. (a) The department shall promulgate rules that require any telephone solicitor who requires an employee or contractor to make a telephone solicitation to a residential customer in this state to register with the department, obtain a registration number from the department, and pay a registration fee to the department. The amount of the registration fee shall be based on the cost of establishing the nonsolicitation directory, and the amount that an individual telephone solicitor is required to pay shall be based on the number of telephone lines used by the telephone solicitor to make telephone solicitations.

The rules shall also require a telephone solicitor that registers with the department to pay an annual registration renewal fee to the department. The amount of the registration renewal fee shall be based on the cost of maintaining the nonsolicitation directory.

(b) The department shall promulgate rules that require an individual who makes a telephone solicitation on behalf of a telephone solicitor to identify at the beginning of the telephone conversation each of the following:

1. The telephone solicitor.

2. If different than the telephone solicitor, the person selling the property, goods, or services, or receiving the contribution, donation, grant, or pledge of money, credit, property, or other thing of any kind, that is the reason for the telephone solicitation.

(4) TELEPHONE SOLICITOR REQUIREMENTS.

(a) A telephone solicitor or an employee or contractor of a telephone solicitor may not do any of the following:

1. Use an electronically prerecorded message in telephone solicitation without the consent of the recipient of the telephone call.

2. Make a telephone solicitation to a residential customer if the nonsolicitation directory that is provided or made available to the telephone solicitor under sub. (2) (d) includes a listing for the residential customer.

3. Make a telephone solicitation to a nonresidential customer if the nonresidential customer has provided notice by mail to the telephone solicitor that the nonresidential customer does not wish to receive telephone solicitations.

(b) A telephone solicitor may not do any of the following:

1. Require an employee or contractor to make a telephone solicitation to a person in this state unless the telephone solicitor is registered with the

department under the rules promulgated under sub. (3) (a).

2. Require an employee or contractor to make a telephone solicitation that violates par. (a).

(c) A telephone solicitor or employee or contractor of a telephone solicitor that makes a telephone solicitation to a nonresidential customer shall, upon the request of the nonresidential customer, provide the mailing address for notifying the telephone solicitor that the nonresidential customer does not wish to receive telephone solicitations.

(6) EXCEPTIONS. Subsections (4) (a) 2. and 3. do not apply to a telephone solicitation that satisfies any of the following:

(a) The telephone solicitation is made to a recipient in response to the recipient's request for the telephone solicitation.

(b) The telephone solicitation is made to a recipient who is a current client of the person selling the property, goods, or services that is the reason for the telephone solicitation. This paragraph does not apply if the recipient is a current client of an affiliate of such a person, but is not a current client of such a person.

(7) TERRITORIAL APPLICATION. This section applies to any interstate telephone solicitation received by a person in this state and to any intrastate telephone solicitation.

(9) ENFORCEMENT. The department shall investigate violations of this section and may bring an action for temporary or permanent injunctive or other relief for any violation of this section.

(10) PENALTIES. (a) Except as provided in par. (b), a person who violates this section may be required to forfeit \$100 for each violation.

(b) A telephone solicitor that violates sub. (4) may be required to forfeit not more than \$100 for each violation.

History: 2001 a. 16 ss. 2435 to 2446f, 2819b, 2821b.